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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,166	04/11/2005	Hans-Christoph Magel	R.303664	4632

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EXAMINER

KIM, CHRISTOPHER S

ART UNIT	PAPER NUMBER
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3752

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/531,166

Applicant(s)

MAGEL, HANS-CHRISTOPH

Examiner

Christopher S. Kim

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-36 is/are pending in the application.
- 4a) Of the above claim(s) 26,28,29,31-34 and 36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-25,27,30 and 35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/11/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Species A, figure 1 in the reply filed on December 20, 2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 26, 28, 29, 31-34 and 36 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on December 20, 2006.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 19-25, 27, 30 and 35 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim 19 recites "...that can be actuated by means of a differential pressure chamber (17) and whose pressure booster piston (14) seals a working chamber (12) off from the differential pressure chamber (17)..." It is uncertain whether the differential pressure chamber is a positively recited limitation.

In claim 19, lines 6-7, the recitation "a pressure booster piston" appears to be a double inclusion of the "pressure booster piston" recited in lines 3-4.

In claim 19, lines 2-3 appear to define a "pressure booster" and a "differential pressure chamber," but lines 7-8 defines the "differential pressure chamber" as an element of the "pressure booster."

Claim 20 defines the "working chamber" as being an element of the "pressure booster," but claim 19 defines them as separate elements.

Claim 21 recites the limitation "the symmetry axis" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 24 recites the limitation "the conduit" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 27 recites "a spring loaded sealing sleeve." It is uncertain whether a spring is implicitly claimed. Claim 30 further recites "a spring." It appears to be a double inclusion of the spring loaded sealing sleeve.

Above is an exemplary listing. Applicant is required to amend all of the claims in their entirety to ensure full compliance with 35 U.S.C. 112, second paragraph.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 19-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Boecking (US 2002/0023970 A1).

Regarding claims 19-23 and 25, Boecking discloses a fuel injection device comprising:

- a multi-part injector body 2;
- a pressure booster 9, 15, 19;
- a differential pressure chamber (chamber having spring 20);
- a pressure booster piston 9;
- a working chamber 6;
- an on-off valve 4;
- a central control line (downstream vertical portion of 10).

Regarding claims 19-22 and 24, Boecking discloses a fuel injection device comprising:

- a multi-part injector body 2;
- a pressure booster 9, 15, 19;
- a differential pressure chamber (chamber having spring 20);
- a pressure booster piston 9;
- a working chamber (chamber around the inlet 10);

- an on-off valve 4;
- a central control line (downstream vertical portion of 10);
- a recess 6.

7. Claims 19-23, 25, 27 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Kato et al. (4,627,571).

Kato discloses a fuel injection device comprising:

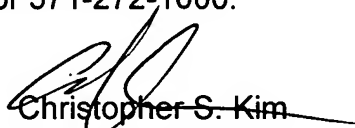
- a multi-part injector body 18, 22;
- a pressure booster 32;
- a differential pressure chamber 54;
- a pressure booster piston 48, 52;
- a working chamber 24;
- an on-off valve 12;
- a central control line 56;
- a high pressure tight connection 46;
- a spring loaded sealing sleeve 42;
- a spring 50.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. Kim whose telephone number is (571) 272-4905. The examiner can normally be reached on Monday - Thursday, 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Christopher S. Kim
Primary Examiner
Art Unit 3752

CK